

REMARKS

Favorable reconsideration of this application is respectfully requested. Claims 1 and 4 remain active in this application.

Advisory Action

In the advisory action of June 15, 2009, the examiner indicated that the arguments were not persuasive. The examiner pointed out that a preamble is not accorded any weight.

Applicants do not understand this reference to the preamble. The preamble to claim 1 includes only the words "a resonator comprising". Applicants submit that the examiner has misconstrued the arrangement of the claim and that the preamble does not include the features which were argued in the amendment of May 22, 2009.

In order to clarify the record, applicants have placed claim 1 in paragraph form to better define the ending of the preamble and to separately list each element. This involves only paragraph and punctuation changes, and the repetition of the shell and pole in the second and third paragraphs to avoid listing the three elements in one line. The content of the claim is unchanged. Therefore, no new issues are being presented.

Applicants repeat the arguments from the amendment of May 22, 2009 below. The examiner is requested to reconsider these arguments in view of this clarification of the preamble of claim 1.

Rejection under 35 USC102

Claims 1 and 4 were rejected under 35 USC 102 as being anticipated by Chuang et al (US published application (2003/0100408)). This rejection is respectfully traversed.

The examiner states that the reference shows shell 10, having a pole supported by a rod, the shell having an annular edge 40 with an inside and an outside surface that are substantial hemispheres. The centers of the two surfaces are off set along the axis of revolution, so that the thickness of the annular edge is greater than the thickness in the vicinity of the pole.

Applicants disagree with the examiner's understanding of the reference. First, the device of the reference is not a resonator. Even if there is some resemblance between the shapes of the present invention and the device of the reference, their function is completely different. Claim 1 describes the device as a resonator. The reference is not a resonator and does not resonate. The device is an exercise device for the wrist with a rotor 30 being mounted within the shell 10, 20.

Applicants submit that there is no way that the reference device can be considered a resonator. It is noted that the examiner does not address this point. If the examiner persists in this rejection, he is requested to explain how the reference device can be considered a resonator.

The examiner suggests that the support rod is the flange around the opening on the top of the housing. Applicants cannot see how this flange can be considered a "rod". The term rod implies an elongated, straight piece of material. The flange of the reference is a circular extension around a central opening. Applicants do not see how this can be considered to be a rod. Further, applicants do not see that this flange supports anything. As seen in Figure 1 of the reference, the entire top of the shell is open. Thus, there is no pole being supported by the flange.

The examiner states that the shell has surfaces that are substantial hemispheres. Since the top of the shell is open, applicants submit that the surfaces are not substantial hemispheres.

Applicants see no description in the reference that there is a common axis of revolution and that the centers of the two hemispheres are on the axis. However, even if one assumes that this is the case based on the apparent geometry, there is still no reason to assume that the centers are on opposite sides of a plane through the annular edge (claim 4).

Claim 1 concludes by stating that the thickness at the annular edge is greater than in the vicinity of the pole. Since there is an open top to the shell, there is no pole. Also, there is no thickness at this top portion since there is an opening instead.

In view of these differences, applicants submit that claims 1 and 4 are allowable.

Conclusion

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Joe McKinney Muncy, Applicants' Attorney, at 703.621.7140 so that such issues may be resolved as expeditiously as possible.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3828 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; in particular, extension of time fees.

Date: July 6, 2009

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Joe McKinney Muncy", is written over a horizontal line.

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